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Interim Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 10, 2015

To: Mayor Michael D. Antonovich
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai 
Interim Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

CORRECTIVE ACTION PLANS' ENHANCED PROCESS AND AUGMENTATION OF SHERIFF DEPARTMENT'S RISK MANAGEMENT BUREAU

On April 14, 2015, through a motion by Mayor Michael D. Antonovich and Supervisor Sheila Kuehl, the Board directed the Interim Chief Executive Officer (CEO), in collaboration with County Counsel, to formalize the proposed recommendations by the County Risk Manager and Risk Management Inspector General (RMIG) regarding the approval of liability claim settlements and the submission of Corrective Action Plans (CAPs) and Summary Corrective Action Plans (SCAPs). Additionally, the Board instructed the CEO to report back to the Board during the final budget adoption in June 2015, on the feasibility of augmenting the Sheriff's Department (Sheriff) Risk Management Bureau's Corrective Action Unit, including the potential use of retirees on a 120-day contract basis to relieve the existing backlog of CAPs and SCAPs; and, provide the Board with quarterly reports on the effectiveness of and adherence to the set timelines by all of the involved County departments along with recommendations to enhance this process and/or improve the overall quality of CAPs.

This communication outlines the instructions given to the departments. The first quarterly report to the Board on compliance with the procedures will be presented in September 2015. The first quarterly report will also include recommendations concerning the feasibility of augmenting staffing for Sheriff's Risk Management Bureau's Corrective Action Unit.

"To Enrich Lives Through Effective And Caring Service"

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On April 29, 2015, all County departments were provided the instructions on applicable changes to CAP and SCAP procedures, effective May 1, 2015. The procedures that follow are being applied in accordance with this motion.

Threshold Alignment for Completing CAPs and SCAPs

- A CAP and SCAP are required for all tort liability settlements in excess of \$100,000.
- A CAP and SCAP are required for adverse jury verdicts in excess of \$100,000, upon request by RMIG.
- A CAP and SCAP are required when requested by RMIG, regardless of the settlement amount.

New Timeline Requirements

- County Counsel will notify departments and RMIG within one business day of a tentative settlement.
- Departments will have 30 business days from County Counsel's settlement notification to provide RMIG a draft CAP and SCAP for review.
- Departments must respond to all RMIG questions and finalize the CAP and SCAP no more than 90 business days from receipt of settlement notification.
- Settlements will be paid within 45 business days of County Claims Board or Board of Supervisors approval.

These timelines were effective May 1, 2015; therefore, all current claims with settlements of \$100,000 or below no longer require a SCAP; and all settled tort liability claims above \$100,000 require a CAP and SCAP.

Sheriff Staffing

Over the course of the last several years, Sheriff's Risk Management Bureau's Corrective Action Unit has received a growing number of requests for CAPs and SCAPs. Since 2007, Sheriff has experienced a significant increase in the number of cases requiring a CAP and/or SCAP.

Currently, one full-time employee is available to research, write, and implement CAPs and SCAPs. Consequently, with the increased volume and imposed time constraints, it has become increasingly difficult for Sheriff to meet such demands. Additionally, in a growing number of cases, time constraints and penalties are being imposed by the court of jurisdiction.

Sheriff Staffing (Continued)

The CEO, along with Sheriff's Risk Management Bureau's Corrective Action Unit, is exploring options to provide additional personnel to meet this growing demand. Two available options are the addition of permanent, full-time positions, and the addition of retired employees reinstated pursuant to the 120-day contract.

The design and development of corrective action documents is a highly specialized field requiring significant law enforcement training and experience. Furthermore, the design and development of timely and comprehensive corrective action documents is a time-consuming, meticulous endeavor requiring significant training, experience, and commitment. This includes formal training in the Sheriff's confidential electronic files and the fundamentals of risk management, insightful case analysis, and the identification of achievable and measurable corrective action measures. Due to the length of time it takes to pursue requisite screening and background, and receive extensive training, it may consume most, if not all, of the 120-day contract for retirees. Therefore, the addition of 120-day contract employees is not feasible and may be counterproductive.

Recommendations

The addition of permanent, full-time positions may be the best choice. However, with the changes implemented on May 1, 2015, the best classification and number of personnel is undetermined at this time.

RMIG is currently working with departments and County Counsel to identify settlements that need CAPs and SCAPs, and establish timelines and priorities for bringing the cases up to date. This information will be provided to the Board in the first quarterly report due in September 2015. Additionally, the County Risk Manager and RMIG are scheduled to provide CAP and SCAP training to additional Sheriff personnel which may further reduce backlog. Therefore, the CEO recommends further analysis of Sheriff cases over the next several months to better correlate CAPs, SCAPs, and settlement agreements, and provide staffing recommendations to the Board with the first quarterly report in September 2015.

If you have any questions, please have your staff contact Steven T. Robles, County Risk Manager, at (213) 351-5346.

SAH:JJ
STR:RLC:DC:sg

c: Executive Office, Board of Supervisors
Sheriff
County Counsel